

**Stern, Lavinthal & Frankenberg, LLC**

105 Eisenhower Parkway, Suite 302

Roseland, New Jersey 07068

Telephone Number (973) 797-1100

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Attorneys for Secured Creditor,

**Nationstar Mortgage LLC**

By: Jeanette F. Frankenberg, Esq.

By: Ashley L. Rose, Esq.

In Re:

Candita Gonzales aka Candita Gonzalez

Debtor(s)

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY  
NEWARK VICINAGE

Chapter 13

Case No. 17-27463-JKS

Hearing Date:

**OBJECTION TO DEBTOR'S MOTION FOR APPROVAL  
TO PARTICIPATE IN THE LOSS MITIGATION PROGRAM**

PLEASE TAKE NOTICE that **Nationstar Mortgage LLC** ("Secured Creditor"), the holder of a mortgage on real property of the debtor(s), by and through its undersigned attorneys, hereby objects to the Approval of the Loss Mitigation Program on grounds including:

1. Debtor filed a chapter 13 bankruptcy petition on August 29, 2017.
2. Debtor filed a Motion to participate in the Court's Loss Mitigation program on September 6, 2017 (docket no. 11).
3. An order allowing the debtor to participate in the Court's Loss Mitigation program was entered October 27, 2017 (docket no. 12).
4. The debtor uploaded a complete package to DMM portal January 23, 2018.
5. On January 25, 2018, the secured creditor acknowledged the Loss Mitigation package and advised the file has been submitted for review.
6. On March 2, 2018, a copy of the denial letter was uploaded to the DMM portal as the debtor did not qualify for Loss Mitigation due to insufficient monthly payment reduction.
7. Debtor failed to file an appeal with secured creditor within 30 days of being notified of the decision. Attached as exhibit "A" is a copy of the denial letter.
8. Debtor's current request to extend loss mitigation does not mention any significant change in circumstances which would warrant a further review. Despite receiving the denial in

December, Debtor did not file an appeal, but rather waited several months to file an extension.

9. Meanwhile, Secured Creditor has expended attorney's fees and costs in the filing and representation of the various Applications, Objections and Motions.

WHEREFORE, Secured Creditor respectfully requests the Application for Extension of Loss Mitigation be denied, and Secured Creditor be granted reimbursement of attorney's fees and costs associated with the defense of this matter.

I hereby certify that the foregoing statements are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Stern, Lavinthal & Frankenberg, LLC  
Attorneys for the Secured Creditor,  
**Nationstar Mortgage LLC**

/s/ Jeanette F. Frankenberg, Esq.  
Jeanette F. Frankenberg, Esq.

Dated: April 12, 2018



P.O. Box 619097  
Dallas, TX 75261

LOW & LOW  
505 MAIN ST. SUITE 304  
HACKENSACK NJ 07601



P.O. Box 619097  
Dallas, TX 75261

LOW & LOW  
505 MAIN ST. SUITE 304  
HACKENSACK NJ 07601

February 2, 2018

Re: Loan Number: 0614273308  
Case#: 1727463, CANDITA GONZALEZ  
Property Address: 78-82 ROCKLAND ST  
PATERSON NJ 07501

Dear Low & Low:

This letter is to inform you that we have reviewed your client's request for assistance and are unable to grant their request at this time. The reasons we could not approve your client's for assistance are listed below:

**Loss Mitigation Options:**

Your client(s) were evaluated for mortgage payment assistance based on the eligibility requirements of Fannie Mae, the owner/guarantor/trustee of the mortgage loan, but was declined for the following program(s). Please note, as the servicer of your client(s) loan, Mr. Cooper is responsible for responding to any questions related to investor requirements or the review of your client(s) request for assistance.

**Flex Modification - Declined**

**Denial Reason: Insufficient Monthly Payment Reduction**

We are unable to offer you a modification because in performing our underwriting of a potential modification we could not reduce your principal and interest payment.

**There are other possible alternatives that may be available to your client:**

**Reinstatement** – If your client is currently delinquent in your client's payments, your client may be able to reinstate the loan. Please contact your client's Dedicated Loan Specialist for information on this option.

**Deed-in-lieu** – a borrower voluntarily transfers title to and possession of the property to Mr. Cooper to satisfy the mortgage to satisfy the mortgage loan debt and avoid foreclosure.

**Pre-Foreclosure Sale/Short sale** – a property is listed for sale and proceeds of the sale are accepted in exchange for a release of the lien, even if those proceeds are less than the amount owed.

If you or your client have any questions regarding the denial of their request or wish to pursue alternatives, the Dedicated Loan Specialist is Anna Williams-heedley and can be reached at (866)-316-2432 EXT. 3165894, Monday through Thursday 7 am to 9 pm (CT), Friday 7 am to 6 pm (CT) and Saturday 8 am to 12 pm (CT) or via mail at the below listed mailing address, or email us at [customerrelations@mrcooper.com](mailto:customerrelations@mrcooper.com). Visit us on the web at [www.mrcooper.com](http://www.mrcooper.com) for further clarification of possible alternatives.

Mr. Cooper is simply a new brand name for Nationstar Mortgage LLC. Nationstar Mortgage LLC is doing business as Nationstar Mortgage LLC d/b/a Mr. Cooper. Mr. Cooper is a service mark of Nationstar Mortgage LLC. All rights reserved.

Please be advised this communication is sent for informational purposes only and is not intended as an attempt to collect, assess, or recover a claim against, or demand payment from, any individual protected by the U.S. Bankruptcy Code. If this account has been discharged in a bankruptcy proceeding, be advised this communication is for informational purposes only and not an attempt to collect a debt against you; however, the servicer/lender reserves the right to exercise the legal rights only against the property securing the loan obligation, including the right to foreclose its lien under appropriate circumstances. Nothing in this communication shall be construed as an attempt to collect against the borrower personally or an attempt to revive personal liability.

DNALB

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Mr. Cooper  
P.O. Box 619097  
Dallas, TX 75261

Your client has the right to appeal non-approval for a modification or to discuss loss mitigation options that may be available to them within 30 calendar days from the date of this notice. The appeal must be in writing and sent to the mailing address below. Please specify the basis for the dispute, and include any documentation you believe is relevant to the appeal, such as property valuation or proof of income.

Mr. Cooper  
Attn: Customer Relations  
P.O. BOX 619098  
DALLAS, TX 75261-9741

Sincerely,

Mr. Cooper

Please note the following:

**Automated valuation only (electronic, no printed document):**

An automated valuation was developed in connection with your client(s) application for loss mitigation. The property valuation provided to us electronically was \$246,800.00. There is no available written documentation associated with this valuation.

**Additional Disclosures**

*If you have questions about the Home Affordable Modification Program other than questions regarding the reason(s) for denial set forth above, you can call the Homeowner's HOPE™ Hotline at 1-888-995-HOPE (4673). This Hotline can help with questions about the program and offers access to free HUD-certified counseling services in English and Spanish.*

**Notice: The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning this creditor is: Federal Trade Commission, Equal Credit Opportunity, Washington, DC 20580.**

**Hawaii Residents:** If you believe a loss mitigation option request has been wrongly denied, you may file a complaint with the state division of financial institutions at 808-586-2820 or <http://cca.hawaii.gov/dfi/>.

**New York Residents:** Nationstar Mortgage LLC d/b/a Mr. Cooper is licensed by the New York City Department of Consumer Affairs License Number: 1392003. If you believe a Loss Mitigation request has been wrongly denied, you may file a complaint with the New York State Department of Financial Services at 800-342-3736 or [www.dfs.ny.gov](http://www.dfs.ny.gov).

**New York Residents Income Disclosure:** If a creditor or debt collector receives a money judgment against you in court, state and federal laws may prevent the following types of income from being taken to pay the debt: supplemental security income (SSI); social security; public assistance (welfare); spousal support, maintenance (alimony) or child support; unemployment benefits; disability benefits; workers' compensation benefits; public or private pensions; veterans' benefits; federal student loans, federal student grants, and federal work study funds; and ninety percent of your wages or salary earned in the last sixty days.

**Oregon Residents:** There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and telephone number of an organization near you, please call 211 or visit [www.oregonhomeownersupport.gov](http://www.oregonhomeownersupport.gov). If you need help finding a lawyer, consult the Oregon State Bar's Lawyer Referral Service online at [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling 503-684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at 800-452-7636. Free legal assistance may be available if you are very low income. For more information and a directory of legal aid programs, go to [www.oregonlawhelp.org](http://www.oregonlawhelp.org).

**North Carolina Residents:** Nationstar Mortgage LLC d/b/a Mr. Cooper is licensed by the North Carolina Commissioner of Banks, Mortgage Lender License L-103450. Nationstar Mortgage LLC d/b/a Mr. Cooper is also licensed by the North Carolina Department of Insurance, Permit Numbers 105369, 112715, 105368, 111828, 112953, and 112954. If you believe a Loss Mitigation request has been wrongly denied, you may file a complaint with the North Carolina Office of the Commissioner of Banks website [www.nccob.gov](http://www.nccob.gov).

**Texas Residents:** COMPLAINTS REGARDING THE SERVICING OF A MORTGAGE SHOULD BE SENT TO THE DEPARTMENT OF SAVINGS AND MORTGAGE LENDING, 2601 NORTH LAMAR, SUITE 201, AUSTIN, TX 78705. A TOLL-FREE CONSUMER HOTLINE IS AVAILABLE AT 877-276-5550. A complaint form and instructions may be downloaded and printed from the Department's website located at [www.sml.texas.gov](http://www.sml.texas.gov) or obtained from the department upon request by mail at the address above, by telephone at its toll-free consumer hotline listed above, or by email at [smlinfo@sml.texas.gov](mailto:smlinfo@sml.texas.gov).

**Notices of Error:**

If you believe an error has been made with respect to your mortgage loan, you should provide to us in writing the following information: Your name (and the name of the borrower, if you are an authorized third party), the loan account number, and the error you believe has occurred. To submit a notice of error, you must send this information to the following address:

Mr. Cooper  
Attn: Customer Relations  
P.O. BOX 619098  
DALLAS, TX 75261-9741

**Requests for Information:**

To request information regarding your account, you should provide to us in writing the following information: Your name (and the name of the borrower, if you are an authorized third party), the loan account number, and the information you are requesting with respect to your mortgage loan. To submit a request for information, you must send this information to the following address:

Mr. Cooper  
Attn: Customer Relations  
P.O. BOX 619098  
DALLAS, TX 75261-9741

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

Stern, Lavinthal & Frankenberg, LLC  
105 Eisenhower Parkway, Suite 302  
Roseland, New Jersey 07068-0490  
Telephone Number (973) 797-1100  
Facsimile Number (973) 228-2679  
Attorneys for Creditor,  
Nationstar Mortgage LLC  
By: Jeanette F. Frankenberg, Esq.  
By: Ashley L. Rose, Esq.

In Re:

Candita Gonzales aka Candita Gonzalez  
  
Debtor(s)

Case No.: 17-27463-JKS

Chapter: 13

Adv. No.: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Judge: John K. Sherwood

**CERTIFICATION OF SERVICE**

1. I, Alicia Moore :

☐ represent \_\_\_\_\_ in this matter.

☒ am the secretary/paralegal for Stern, Lavinthal & Frankenberg, LLC, who represents  
Secured Creditor in this matter.

☐ am the \_\_\_\_\_ in this case and am representing myself.

2. On April 12, 2018, I sent a copy of the following pleadings and/or documents  
to the parties listed in the chart below.

Objection to Debtor's Motion for Approval to Participate in the Loss Mitigation Program

3. I certify under penalty of perjury that the above documents were sent using the mode of service  
indicated.

Date: April 12, 2018

/s/ Alicia Moore  
Signature



Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Candita Gonzales 78-82 Rockland Street Paterson, NJ 07501	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)
Russell L. Low Low & Low 505 Main St. Suite 304 Hackensack, NJ 07601	Debtor Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other <u>ECF</u> _____ (As authorized by the Court or by rule. Cite the rule if applicable.)
Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other <u>ECF</u> _____ (As authorized by the Court or by rule. Cite the rule if applicable.)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)